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TECH CENTER 1600/2800 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Irena N. Merenkova

Appl. No. : 09/471,703

Filed : December 23, 1999

For : ANALYSIS OF NUCLEOTIDE  
POLYMORPHISMS AT A  
SITE

Examiner : C.B. Wilder, PhD

) Group Art Unit 1655

) I hereby certify that this correspondence and all  
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) Commissioner for Patents, Washington, D.C.  
) 20231, on

July 27, 2001

(Date)

*Daniel Hart*  
Daniel Hart, Reg. No. 40,637

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of July 3, 2001, Applicant hereby elects claims in Group I for further prosecution. This election is made without traverse. Applicant reserves full rights to prosecute claims of Group II in divisional applications under the provisions of 35 USC 121.

Remarks

Applicant notes that in the Preliminary Amendment submitted on November 13, 2000, Applicant cancelled original claims 1-31 and added claims 32-67. Thus, Claims 32-67 are pending in the application. However, in the Restriction Requirement, the Examiner wrote that claims 34-69 are pending and subject to a restriction requirement. It is Applicant's understanding that Claims 34-69 listed in the Office Action Summary correspond to pending claims 32-67 of the Preliminary Amendment submitted November 13, 2001.

In particular, Applicant understands the "method" claims of Group I, which the Examiner lists as Claims 35-60 and 69, to correspond to claims 33-58 and 67 of the Preliminary

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Amendment submitted November 13, 2001. Applicant notes that the Restriction Requirement does not place Claim 34 (with reference to the Examiner's numbering) in any of the listed groups. Applicant assumes that Claim 34 of the Restriction Requirement corresponds to Claim 32 of the Preliminary Amendment submitted November 13, 2001. Since the Examiner has classified claims into only two groups, namely "method" and "kit" claims, Applicant will assume that the Examiner intended to include Claim 34 (corresponding to claim 32 of the Preliminary Amendment submitted November 13, 2001, to a method for determining the identity of a polymorphic nucleotide) in Group I. Further, Applicant understands the "kit" claims of Group II, which the Examiner lists as claims 60 to 68, to correspond to claims 59-66 of the Preliminary Amendment submitted November 13, 2001, wherein said claims 59-66 recite kits.

With the foregoing understanding, Applicant hereby elects the claims of Group I (Claims 32-58 and 67 of the Preliminary Amendment submitted November 13, 2001) for examination.

The Examiner is invited to call the undersigned attorney with any questions.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 27, 2001

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